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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,950	12/18/2000	Kenichi Nishio	SONY-747US	5263
22850	7590	05/30/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ROGERS, SCOTT A	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/719,950	Applicant(s) NISHIO ET AL.	
	Examiner Scott A. Rogers	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 24-26, 47-49, 70-72 and 93-96 is/are pending in the application.
- 4a) Of the above claim(s) 4-23, 27-46, 50-69 and 73-92 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 24-26, 47-49, 70-72 and 93-96 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action (p. 2-6)</u> |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 13 March 2006 have been fully considered but they are not persuasive. Applicant's argument that there is no basis in the teaching of Arai to support the asserted modification of Arai, and that the rejection of the claims under 35 USC 103 based on Arai is the result of improper hindsight reconstruction of the reference in view of the present specification, are not persuasive.

The rejection of limitations in the dependent claims, which the independent claims have now been amended to include, was based on teachings well known in the art and not on a hindsight reconstruction of the reference in view of applicant's specification. The following rejection of the amended claims provides evidence of the well-known prior art.

The rejection of claims 47-49 under 35 USC 101 has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 24-26, 47-49, 70-72, 93-94, and 95-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai (US 5559604 A) in view of Sasaki et al (US 5018017 A) and Fukuoka (US 5754227 A).

Regarding claims 1, 24, 47, 70, and 93-94:

Arai discloses an apparatus and method for correcting color of a color image by determining, using a neural network, a correction to data representative of the color image based upon an estimated illuminant of the color image, and applying the correction to the data representative of the color image, wherein the illuminant comprises multiple sources of illumination (see abstract and col. 2, lines 10-40).

While Arai does not disclose the data representative of the color image recorded or transmitted with information regarding the estimated illuminant or the illuminant, it is well known to include color image data with information regarding various metrics associated with the image data such as illuminant information as taught for example by Sasaki et al, whom record the metric data with the image data to facilitate accurate reproduction of the color image (col. 9, lines 27-34), and as taught for example by Fukuoka, who transmits the metric data with the image data to facilitate accurate reproduction of the color image (abstract).

It would therefore have been obvious to one of ordinary skill in the art to have recorded and transmitted the color image data with information regarding the estimated illuminant and the illuminant generated by Arai, in view of Sasaki et al and Fukuoka, in order to allow correction of the color image data for reproduction on various output

devices when and where desired, and to monitor and control the camera for improved image capture.

Regarding claims 2-3, 25-26, 48-49, and 71-72:

While Arai does not disclose that the color image is obtained by an electronic camera that captures a still image or a succession of moving images, such cameras are notoriously old and well known in the prior art.

It would have been obvious to one of ordinary skill in the art to have provided such a well-known camera as the source of color images to which to apply the color correction technique taught by Arai. This would allow application of the Arai to a common source of color images, which are known to require color matching for accurate reproduction of color under different sources of illumination.

Regarding claims 95-96:

While Arai does not disclose capturing a color image and generating data representative thereof, it would have been obvious to one of ordinary skill in the art to do so as noted above with respect to claims 2-3, 25-26, 48-49, and 71-72.

While Arai does not disclose recording or transmitting the data representative of the color image with data representative of the estimated illuminant, it is well known to record or transmit color image data with information regarding various metrics associated with the image data such as illuminant information as taught for example by Sasaki et al, whom record the metric data with the image data to facilitate accurate reproduction of the color image (col. 9, lines 27-34), and as taught for example by Fukuoka, who transmits the metric data with the image data to monitor and control the

camera for improved image capture and thereby facilitate accurate reproduction of the color image (abstract).

It would therefore have been obvious to one of ordinary skill in the art to have recorded and transmitted the color image data with information regarding the estimated illuminant and the illuminant generated by Arai, in view of Sasaki et al and Fukuoka, in order to allow correction of the color image data for reproduction on various output devices when and where desired, and to monitor and control the camera for improved image capture.

Election/Restrictions

This application contains claims 4-23, 27-46, 50-69, and 73-92 drawn to an invention nonelected without traverse in the reply filed on 29 September 2005 and have been withdrawn from consideration. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 571-272-7467. The examiner can normally be reached Monday through Friday 6:00am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Moore can be reached at 571-272-7437.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at 571-272-2600. Official correspondence by facsimile should be sent to 571-273-8300. The USPTO contact Center phone numbers are 800-PTO-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

24 May 2006



SCOTT ROGERS
PRIMARY EXAMINER